

REMARKS

This is in response to the Office Action of 14 January 2003. Claims 1-9 are pending in the application, and Claims 1-9 have been rejected.

By this amendment, a new title has been provided, Claims 1-9 have been cancelled, and new Claims 10-24 have been added.

No new matter has been added.

In view of the amendments above and remarks below, Applicant respectfully requests reconsideration and further examination.

About The Invention

The present invention relates generally to programmable products and methods of doing business that allow post-purchase customization of those programmable products by a manufacturer such that after customization, the programmable products are effectively retailer-specific products. Generally, a manufacturer provides a base product to a variety of retailers. The base product is capable of being modified through downloading software application(s) or content. In a typical embodiment, each retailer provides the manufacturer with specifications, or similar information, regarding the manner in which a base product sold or leased by that retailer is to be modified, subsequent to sale or lease, such that the modified base product has features or functionality that are exclusive to that retailer. A purchaser, or lessor, as the case may be, engages in a registration process, typically by providing information which is received by the manufacturer. The registration process identifies the retailer from which the base product was obtained. The manufacturer then transmits the customizing information.

Title

The Examiner states that the title of the invention is not descriptive so as to help one having ordinary skill in the art understand the nature of the subject matter. The Examiner has required a new title that is clearly indicative of the

invention to which the Claims are directed.

By this amendment the previous title has been replaced with a new title that is indicative of the invention to which the Claims are directed. More particularly, the new title (Method of Customizing a Programmable Product Based Upon A Retailer Identification Code) clearly indicates that the method defined by the new Claims involves customizing, i.e., programming changes to the features and functionality of a product, as a function of the retailer from the product was obtained. The retailer identification code is the information received by the manufacturer from a customer which identifies the retailer, and may be a name, an identification number, an address, and so on.

Applicant respectfully submits that this amendment satisfies the requirement set forth by the Examiner.

Rejections under 35 USC 112, first paragraph

Claims 1-9 have been rejected under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that inventor, at the time the application was filed, had possession of the claimed invention.

By this amendment, Claims 1-9 have been cancelled. Applicant respectfully submits, that in view of this amendment, the rejections under 35 USC 112, first paragraph, have been rendered moot.

Rejections under 35 USC 102(b)

Claims 1-9 have been rejected under 35 USC 102(b), as being anticipated by Scroggie, et al., (WO 97/23838).

By this amendment, Claims 1-9 have been cancelled. Applicant respectfully submits, that in view of this amendment, the rejections under 35 USC

102(b) have been rendered moot.

New Claims 10-24

New Claims 10-24 are directed to methods of providing programmable products that are updated subsequent to purchase (or lease), and where those updates are based, at least in part, upon the identification of the entity (or retailer) from which the product was obtained. Various dependent Claims recite further operations directed to the commercial interactions between the manufacturer and retailer, such as, for example, providing advertising for the retailer based on the retailer being identified in product registration information.

Support for these Claims can generally be found throughout the specification, and can more particularly be found at page 5, line 25, through page 6, line 25.

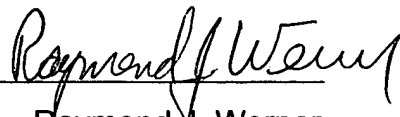
Conclusion

All of the rejections in the outstanding Office Action of 14 January 2003 have been responded to, and Applicants respectfully submit that the pending Claims 10-24 are now in condition for allowance.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned "**Version with markings to show changes made**".

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By 
Raymond J. Werner
Reg. No. 34,752

Dated: 14 May 2003
Portland, Oregon

Version with markings to show changes made

In The Title

Please delete the present title and insert therefore the following new title:

METHOD OF CUSTOMIZING A PROGRAMMABLE PRODUCT BASED UPON
A RETAILER IDENTIFICATION CODE

In the Claims

- 1 10. (New) A method of converting a base product into a retailer-specific product,
2 comprising:
3 providing at least one base product to each of a plurality of retailers, each
4 retailer having indentifying information;
5 receiving registration information from a purchaser of at least one base
6 product, the registration information including identifying information of the
7 retailer from which the at least one base product was purchased; and
8 transmitting customization information, the customization information
9 based, at least in part, on the identifying information of the retailer from which the
10 at least one base product was purchased;
11 wherein the base product is operable to receive and store customization
12 information.

- 1 11. (New) The method of Claim 10, wherein the base product is an electronic
2 device having upgradeable software.

1 12. (New) The method of Claim 11, wherein the base product comprises an
2 electronic device selected from the group consisting of a remote control, a
3 personal, digital assistant, a television receiver, and a radio.

1 13. (New) The method of Claim 10, further comprising transmitting instructions
2 for downloading of customization information.

1 14. (New) The method of Claim 13, wherein the customization information
2 comprises a software application.

1 15. (New) The method of Claim 13, wherein the customization information
2 comprises content information.

1 16. (New) The method of Claim 11, wherein the customization information is
2 transmitted to a personal computer for subsequent communication to the base
3 product.

1 17. (New) The method of Claim 11, wherein the customization information is
2 transmitted to the base product.

1 18. (New) The method of Claim 11, further comprising providing advertising
2 space for the retailer, from which the at least one base product was purchased,
3 on at least one web page.

1 19. (New) The method of Claim 18, further comprising providing a portal for
2 access by a purchaser of the base product.

1 20. (New) A method of converting a base product into a modified base product,
2 comprising:

3 providing at least one base product to each of a plurality of entities, each
4 entity having indentifying information;

5 receiving registration information, the registration information including
6 identifying information of the entity from which the at least one base product was
7 obtained; and

8 transmitting customization information to the at least one base product,
9 the customization information based, at least in part, on the identifying
10 information of the entity from which the at least one base product was obtained;

11 wherein the base product is operable to receive and store customization
12 information.

1 21. (New) The method of Claim 20, wherein the entity is a retailer, the base
2 product is an electronic device having upgradeable software, and further
3 comprising transmitting instructions for downloading of customization information.

1 22. (New) The method of Claim 21, wherein the base product is obtained by
2 purchase.

1 23. (New) The method of Claim 21, wherein the base product is obtained by
2 lease.

1 24. (New) The method of Claim 21, further comprising providing advertising
2 space for the retailer, from which the at least one base product was obtained, on
3 at least one web page.